

REMARKS

The Examiner has rejected Claims 1, 2, 5-13 and 29 under 35 U.S.C. 102(b) as being anticipated by Liao et al. (U.S. Patent No. 6,324,312). Applicant respectfully disagrees with such rejection.

With respect to each of the independent claims, the Examiner has relied on Liao to meet applicant's specific claim language. Applicant notes, however, that Liao simply fails to make any sort of disclosure of the specific functions as claimed with respect to applicant's claim language, for instance "a first branch capable of allowing light to pass therethrough in a forward direction and a reverse direction" and "a second branch capable of allowing light to pass therethrough in the forward direction" (emphasis added), as claimed.

Further, with respect to each of the independent claims, the Examiner has merely stated that applicant's claimed technique "wherein $n_2 < n_1$ and $\theta_1 \geq \sin^{-1} (n_2 / n_1)$ to prevent the light passing through the first branch in the reverse direction from passing into the second branch" is inherent because n_1 is allegedly greater than n_2 in Liao. Applicant respectfully asserts, however, that since Liao only relates to an optical polarizer, Liao cannot possibly suggest the instant claim limitations. Thus, merely because Liao allegedly utilizes an $n_2 < n_1$ condition for optical polarization does not inherently provide for any sort of system or method where $n_2 < n_1$ and $\theta_1 \geq \sin^{-1} (n_2 / n_1)$ as claimed "to prevent the light passing through the first branch in the reverse direction from passing into the second branch," as specifically claimed by applicant (emphasis added).

It appears that the Examiner has relied on an inherency argument regarding the above emphasized claim limitations. In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements is respectfully requested. (See MPEP 2112)

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Liao reference, as noted above. A notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. Just by way of example, with respect to Claims 9 and 10, the Examiner has argued that applicant has failed to define an "optical chocker" in the claim. Furthermore, the Examiner has stated that she considers the end part of the ends of the first and second branch as an optical chocker.

Applicant respectfully asserts that defining an optical chocker would unduly limit the foregoing claims. However, to clarify such term for the Examiner, applicant emphasizes that an optical chocker is a device that lowers the numerical aperture of an input or output port and that converges the light beam to the center of waveguide branches. Thus, in view of such arguments, Liao's mere disclosure of the end part of the first and second branch would clearly not meet the "optical chocker," in the context of applicant's specific claim language.

It is again recognized that the Examiner has relied on an inherency argument regarding numerous dependent claims. In view of at least the arguments made hereinabove with respect to the independent claims, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of

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such claim features, in combination with the remaining claim elements is respectfully requested. (See MPEP 2112)

Since the Liao reference has failed to teach or suggest all of applicant's claim limitations, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. MAL1P001).

Respectfully submitted,
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